

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

February 5, 2021

1:33 p.m.

MEMBERS PRESENT

Senator Lora Reinbold, Chair
Senator Mike Shower, Vice Chair
Senator Shelley Hughes
Senator Robert Myers
Senator Jesse Kiehl

MEMBERS ABSENT

All members present.

COMMITTEE CALENDAR

DISASTER DECLARATION EXTENSIONS RELATING TO COVID - Invited
Testimony

- HEARD

CONFIRMATION HEARING(S):

State Commission for Human Rights
Cynthia Marlene Erickson - Tanana
Betsy Engle - Fairbanks

- HEARD AND HELD

Alaska Judicial Council
Kristie Babcock - Soldotna

- HEARD AND HELD

SENATE BILL NO. 14

"An Act relating to the selection and retention of judicial officers for the court of appeals and the district court and of magistrates; relating to the duties of the judicial council; relating to the duties of the Commission on Judicial Conduct; and relating to retention or rejection of a judicial officer."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MEGHAN WALLACE, Director
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Advised the committee on the legal issues related to the disaster declaration emergency extensions for COVID-19.

DANIEL DEW, Legal Policy Director
Pacific Legal Foundation (PLF)
Washington, D.C.

POSITION STATEMENT: Testified on the disaster declaration extensions relating to COVID-19.

CYNTHIA ERICKSON, Appointee
State Commission for Human Rights
Office of the Governor
Tanana, Alaska

POSITION STATEMENT: Testified as appointee to the State Commission on Human Rights.

KRISTIE BABCOCK, Appointee
Alaska Judicial Council
Alaska Court System
Soldotna, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Judicial Council.

ELIZABETH (BETSY) ENGLE, Appointee
State Commission on Human Rights
Office of the Governor
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the State Commission on Human Rights.

STEWART THOMPSON, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified on the disaster declaration extensions relating to COVID-19.

THOMAS HENNESSY, Physician

Infectious Disease Epidemiologist
University of Anchorage
Anchorage, Alaska

POSITION STATEMENT: Testified in support of the emergency disaster declaration extension.

[LINDA SMITH], representing self
Sitka, Alaska

POSITION STATEMENT: Testified with concern about restrictions on small businesses.

ACTION NARRATIVE

[1:33:13 PM](#)

CHAIR LORA REINBOLD called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Myers, Kiehl, Shower, and Chair Reinbold. Senator Hughes joined shortly thereafter.

DISASTER DECLARATION EXTENSIONS RELATING TO COVID

[1:34:48 PM](#)

CHAIR REINBOLD announced the first order of business would be DISASTER DECLARATION EXTENSIONS RELATING TO COVID. She indicated the committee would hear from invited testimony.

[1:36:44 PM](#)

MEGHAN WALLACE, Director, Legislative Legal Services, Legislative Affairs Agency, Juneau, Alaska, said she was invited to discuss Governor Dunleavy's disaster declarations. She asked the record to reflect that her office provides nonpartisan legal advice to the legislature. She is appearing here today by request, but my opinion on the issues remain policy neutral based on Legislative Legal Service's (Legislative Legal) best interpretation of current law. Given the novelty of the pandemic, legal jurisprudence on these issues continues to evolve, she said.

MS. WALLACE reviewed the disaster declarations: On March 11, 2020, the governor issued the first public health disaster emergency declaration. She said Legislative Legal Services has routinely been asked about the legality of the governor's action in issuing multiple declarations for the same disaster emergency. Before going into an extended recess, the 31st Alaska Legislature extended the March 11, 2020, disaster declaration to November 15, 2020. Through passage and enactment into law of

Senate Bill 241, also known as Chapter 10, SLA 2020, the Alaska legislature did not meet again and did not further extend the March 11, 2020, declaration. Instead, upon expiration of the March 11, 2020, declaration, the governor issued three subsequent declarations of a disaster emergency, on November 16, 2020, December 16, 2020, and January 15, 2021, each remaining in effect for 30 days. The January 15, 2021, declaration is currently the subject of SB 56, a governor's bill seeking to further extend the last declaration until September 30, 2021.

[1:38:46 PM](#)

MS. WALLACE informed members that the Alaska Disaster Act governs the governor's emergency powers in this instance. Alaska Statute (AS) 26.23.020(c) provides that a proclamation of disaster emergency may not remain in effect longer than 30 days unless extended by the legislature. She opined that AS 26.23.020(c) is clear that the legislature holds the exclusive power to extend a disaster declaration beyond 30 days. Therefore, only the legislature has the authority to extend disaster emergencies beyond the November 15, 2020, date. Further, the governor likely lacked the statutory authority to extend beyond that date. However, it is difficult to predict what a court would determine if the governor's actions were challenged.

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MS. WALLACE said Legislative Legal Services reviewed similar actions in Lower 48 states with differing results. Wisconsin's governor issued a second proclamation related to the COVID-19 disaster. In that case, the Wisconsin Superior Court and Wisconsin Supreme Court refused to grant a preliminary or temporary injunction on grounds that the legislature had power to end the emergency and declined to do so. In Michigan, after an initial disaster declaration expired after 28 days, Michigan's governor issued a second disaster declaration, which was challenged in court. The Michigan Supreme Court held that given that the statute required the governor to terminate the declaration after 28 days, in the absence of a legislatively authorized extension, the court was not persuaded that the legislature intended to allow the governor to redeclare the same emergency.

She recapped that courts in other states faced with similar situations have made different rulings. She reiterated that it would be difficult to predict the outcome if Governor Dunleavy's actions were challenged in court.

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MS. WALLACE explained the court might consider that under AS 26.23.025(c), the legislature may terminate a disaster at any time. Since the legislature had and has the opportunity to end an emergency by law, that failure to take action negates the objection to a subsequent disaster declaration. However, the Alaska Disaster Act defines a disaster emergency as "the condition declared by proclamation of the governor. She reiterated Legislative Legal Service's assessment is that the condition could be described as an outbreak of COVID-19. Therefore, since AS 26.23.020(c) provides that the legislature has the exclusive power to extend the disaster declaration, the governor did not have the authority to issue another declaration for that same emergency condition.

[1:43:45 PM](#)

CHAIR REINBOLD said she understood the November 15, 2020, extension was based on hospital beds at or near capacity. She asked if the legislature and citizens have the right to see the data used to support the decision.

MS. WALLACE answered that she could not speak to the facts that were the grounds for the subsequent disaster declaration except for the language in the declarations. She suggested that the Office of the Governor or the Department of Health and Social Services (DHSS) could better address the basis for the disaster declaration emergency extensions and provide public information.

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SENATOR KIEHL expressed concern that the justification for issuing the subsequent disaster declarations stated, "The opportunity to distribute the vaccine." While he totally supports vaccinations, distributing the vaccine does not represent a disaster, but rather an opportunity to respond to the condition. He asked what a court might consider would constitute a disaster condition.

MS. WALLACE answered that it would be difficult to speculate how a court might rule on that issue. The court might determine that the governor cannot call the COVID-19 disaster a new emergency if it is a continuation of a response to an emergency and it is not a new emergency. The court might also consider the state's response to the new emergency and question actions such as travel mandates that do not specifically relate to a vaccine emergency. The court could make a factual determination and consider disputes over the grounds for the disaster declaration. She characterized the potential court case as complicated.

1:49:12 PM

SENATOR SHOWER commented that he did not see the disaster declaration extensions based on a new disaster, but as a continuation. He asked about court cases in the Lower 48 that are moving toward the US Court of Appeals or the US Supreme Court (SCOTUS) relating to the issues of governor mandates or legislative power.

MS. WALLACE answered that numerous cases are moving through the federal courts that have litigated the power of states, governors, and municipalities issuing mandates. She explained that those issues are somewhat different from declaring a disaster. She said she was unaware of cases moving towards SCOTUS on the governor's power to declare subsequent disasters. Some cases may be related to mandates but she did not have any specific information.

1:51:49 PM

SENATOR SHOWER related his understanding that the agency believes the legislature would prevail from a legal perspective and the governor is likely to lose.

MS. WALLACE agreed. She opined that AS 26.23.020(c) gives the legislature the exclusive power to extend the disaster declaration. The governor's issuance of disaster declaration extensions for what is arguably the same disaster is legally vulnerable.

CHAIR REINBOLD said she appreciated the consistency of the legal memo and her testimony.

1:53:14 PM

SENATOR HUGHES asked if it was not legal for the governor to issue an emergency disaster declaration extension in the first place if it is constitutional to extend it a second time. She asked if the safest way to prevent a court challenge would be to provide the governor with the necessary tools by amending the statutes and suspending regulations instead of extending the declaration. In this way, the governor can mitigate the issues.

MS. WALLACE agreed the legislature could pass a law to suspend or modify them and incur little risk. The issue that arises would be the broad powers that come when a disaster has been declared under the Alaska Disaster Act. Absent a valid declaration of emergency, Governor Dunleavy would not have the same powers to respond under the modified statutes as the

governor has under the Alaska Disaster Act. The legislature potentially has one option to ratify the current disaster declaration, thereby retroactively approving them. It could agree that the declaration of emergency could continue.

1:56:32 PM

SENATOR HUGHES asked for clarification that fixing the statutes would avoid the court challenge if the legislature decided not to ratify the current disaster declaration.

MS. WALLACE answered that if the legislature were to take action by law to extend or approve the disaster declaration, the action is not as vulnerable to legal challenges because the legislature has taken specific action by law to approve and extend the disaster declaration. The legislature has many different options it could exercise. She said she understood that the disaster declaration might have initially been based on a faulty premise. Still, once the legislature approves it, it may have some effect to remedy it. The legislature could also make substantive changes to the Alaska Disaster Act to clarify that the governor does not have the authority to issue subsequent disaster declarations for the same emergency. She argued that if the legislature had intended to allow the governor to issue another emergency disaster declaration after 30 days, it would never have reserved the legislature the power to approve the extension.

1:58:31 PM

CHAIR REINBOLD remarked that this is an important issue. She expressed concern that Senate Bill 241 was only referred to the Senate Rules Committee, so it received little review. She indicated that Article 7 of the Constitution of the State of Alaska gives the legislature authority to establish schools and promote and protect public health. She said the legislative committees could have met, but the legislature did not get the opportunity to weigh in.

She expressed concern over the number of regulations that were suspended. She asked for clarification on when the governor had the authority to suspend regulations.

MS. WALLACE said the governor's powers to suspend regulatory provisions are generally found in AS 26.23.020(g), which states that once a disaster has been declared, the governor may:

(1)suspend the provisions of any regulatory statute
prescribing procedures for the conduct of state

business, or the orders or regulations of any state agency, if compliance with the provisions of the statute, order, or regulation would prevent, or substantially impede or delay, action necessary to cope with the disaster emergency;

MS. WALLACE suggested that the legislature would need to review the specific regulation that was suspended and analyze if it was a regulatory provision.

MS. WALLACE said that Legislative Legal Services had reviewed the mandates that were issued but has not identified any specific or obvious constitutional issues.

[2:02:52 PM](#)

CHAIR REINBOLD replied that it is debatable. She asked how long martial law can be in place and what the governor can do.

MS. WALLACE said she was not prepared to advise on the governor's limits with respect to martial law. She offered to research and respond later.

[2:03:37 PM](#)

SENATOR KIEHL asked whether the disaster declaration falls under different provisions of the Alaska Constitution than Section 20, Martial law.

MS. WALLACE answered yes.

SENATOR KIEHL asked about the legislature's options going forward. In Senate Bill 241, which extended the initial disaster declaration, the legislature delegated temporarily a number of powers. He asked if the legislature were to ratify the disaster declaration, if the legislature could "pull back" some of the governor's disaster powers. For example, under the Alaska Disaster Act, the governor has the power to mobilize the military. He has not done so, nor does anyone envision the necessity to do so. He asked if it were possible to ratify but limit the authority to mobilize the military or if that would raise a separation of powers issue.

MS. WALLACE answered yes; generally, the legislature has that power. The Alaska Disaster Act provides the general authority and power for the governor to act under an emergency, but it is generally permissible, constitutionally, for the legislature to subsequently pass a law that limits some of that authority since the legislature would be modifying its own law.

2:06:00 PM

SENATOR SHOWER asked if a new law would need to pass the legislature to make the change.

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2:08:22 PM

SENATOR SHOWER pointed out that it takes significant time for the legislature to pass a bill whereas the governor can often take action quickly.

MS. WALLACE answered that the legislature would need to pass a bill. She referred to AS 26.23.025(b), which read:

Notwithstanding any other provision of this chapter, if the declaration of a disaster emergency occurs while the legislature is in session or if a special session is held, actions taken by the governor under this chapter after the close of the session that are not ratified by law adopted during that session are void.

She said that when a disaster occurs during session, any action taken by a governor that is not approved by law by the legislature is rendered void. This becomes an option when the legislature is back in session as opposed to the prior declarations issued during the legislative interim.

2:10:42 PM

SENATOR HUGHES asked if this meant that now the legislature is back in session the governor cannot declare another 30-day emergency extension without legislative action.

MS. WALLACE answered that the statute is not quite that specific. She read a portion, "... actions taken by the governor

under this chapter after the close of the session that are not ratified by law adopted during that session are void."

MS. WALLACE said that if a disaster declaration were to be declared and it had not yet expired while the legislature was in session, but then session ended, the governor could not act pursuant to that emergency. Arguably, because the disaster is occurring now, while the legislature is in session, if the legislature does not take any action this session, the governor could not take further action, she said.

MS. WALLACE said the governor has proposed a bill to extend the current January 15, 2021, disaster proclamation. She suggested that by introducing SB 56, the governor may have acquiesced to the notion that the legislature holds the power to extend beyond that date. She opined that any further action by the governor to issue another disaster proclamation, more so now, would be legally vulnerable to challenge.

[2:13:18 PM](#)

CHAIR REINBOLD referred to Article 3, Section 20, Martial law:

The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

CHAIR REINBOLD asked if mandates and health orders are considered executive orders.

MS. WALLACE answered that disaster proclamations and accompanying health orders are not considered executive orders. The disaster proclamations do not fall under executive orders. Under Article 3, Sections 25-26 of the Constitution of the State of Alaska, the governor can issue an executive order to make administrative reorganization to the executive branch departments.

CHAIR REINBOLD asked for further clarification that the legislature cannot repeal the mandates.

MS. WALLACE said the remedy for the legislature to end the disaster or require the governor to repeal the mandates is under AS 26.23.025(c), which says that the legislature may terminate a disaster emergency any time by law. This means the legislature

would need to pass a bill that terminates the disaster, she said.

2:17:48 PM

DANIEL DEW, Legal Policy Director, Pacific Legal Foundation (PLF), Washington, D.C., described the foundation as a nonprofit law firm that has operated for 47 years and specializes in individual liberty, property rights, equal protection, free speech. The PLF has had numerous wins before the US Supreme Court (SCOTUS). He anticipated SCOTUS would hear a case this term.

He said he works with state legislatures to assist them to reform and put safeguards on governor executive and emergency powers. He suggested that governors are confusing the terms serious and emergency. At the beginning of the pandemic, it may have been justified to act quickly. However, as COVID-19 lingered it became a serious issue and not an emergency. The legislature's job is to make policy to address serious issues. The separation of powers protects individual liberty.

2:20:38 PM

MR. DEW said across the country, governors have issued emergency orders and placed restrictions on individuals. He made recommendations to address this. First, emergency orders should be narrowly defined in scope, duration, and applicability. One state allowed hair salons but closed nail salons although the same protocols could be put in place. Some states have treated large box stores differently than church services. Secondly, the PLF recommends that emergency orders be expedited in the courts. Some orders have been issued by unelected health officials. These officials should make recommendations to elected officials who could be held politically accountable by the public. Third, the PLF recommends developing incentives to encourage governors to call legislatures into session. Requiring governors to limit emergency orders for a short period of time, such as 30 days, and then allow legislatures to address the issue. Once the legislature ratifies the order, the order could be extended, he said.

MR. DEW encouraged legislatures to allow members the ability to vote remotely, and to establish explicit prohibitions for governors from reissuing, extending, or creating substantially similar emergency orders, for expired orders or for ones the legislature rejected. Currently, emergency orders have been focused on COVID-19 but these orders can also address opioids, homelessness, racism, and climate change. He expressed concern

that if legislatures do not place safeguards on emergency powers the potential for a plethora of orders and abuse of power could happen. No one should be trusted with all that power, he said.

[2:28:17 PM](#)

CHAIR REINBOLD summarized the recommendations for emergency orders, including that emergency orders should be narrowly tailored, expedited for judicial review, and issued only by the governor to avoid infringing on constitutional rights. She said an emergency order should sunset in 7 days when the legislature is not in session, and 30 days if the legislature does not ratify the order. Finally, it should allow remote participation, prohibit governors from reissuing emergency orders that expired or that the legislature rejected.

CHAIR REINBOLD said she supports the Administrative Regulation Review Committee reviewing all regulations and the governor should not be suspending regulations.

[2:30:27 PM](#)

SENATOR SHOWER said that while SB 56 is not before the committee, it is important to have discussions relevant to judicial review. He asked if due process or the 14th Amendment is being violated with the closure of small businesses.

MR. DEW agreed. He said the PLF is litigating and challenging many emergency order so it has seen small businesses being treated differently than large businesses. The PLF suggests that the courts should use strict scrutiny to the emergency orders, but unfortunately, the courts have initially stayed on the sideline, he said.

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CHAIR REINBOLD asked if he would be a resource for the committee.

MR. DEW agreed his contact information could be distributed.

[2:34:32 PM](#)

SENATOR SHOWER stated that officials threatened businesses in his district by suggesting compliance or the bar might lose its liquor license.

[2:35:37 PM](#)

SENATOR KIEHL asked if he would look at the definition of disaster in AS 26.23.900 to see if the language is tight enough and respond in writing. He further asked if the governor did not

use his power to call the legislature in but issued serial declarations, how the legislature could prevent that from happening again.

MR. DEW responded that the approach the PLC suggests is to allow the governor to issue an emergency order for 7 days unless he/she calls the legislature into session, but once the legislature is called into session, the emergency order would extend to 30 days. This would provide the governor an incentive to call the legislature into session.

CHAIR REINBOLD asked the record to reflect her intent to introduce a committee bill to address emergency orders.

CONFIRMATION HEARINGS
State Commission for Human Rights
Alaska Judicial Council

[2:39:10 PM](#)

CHAIR REINBOLD announced the final order of business would be confirmation hearings for the State Commission on Human Rights and the Alaska Judicial Council.

[2:40:18 PM](#)

CYNTHIA ERICKSON, Appointee, State Commission for Human Rights, Tanana, Alaska, stated that she grew up in Ruby but has lived in Tanana for 35 years. Her family owns the general store. She said she is an Athabascan Indian and Yupik Eskimo. She said she currently serves on the Suicide Prevention Council. She also has her own nonprofit business and works with youth throughout Alaska to help prevent the epidemic of suicide. She has been serving on the State Commission for Human Rights for several years. She has enjoyed learning and hopes the legislature will reappoint her to serve.

[2:41:36 PM](#)

SENATOR KIEHL thanked her for her work with youth and suicide prevention. He said he will ask all appointees serving on the commission the same question. This summer, the US Supreme Court (SCOTUS) ruled in Bostock v. Clayton County that discrimination on the basis of sexual orientation or gender identity is discrimination on the basis of sex. He asked if she had any trouble understanding Alaska law in the way SCOTUS interpreted it.

MS. ERICKSON answered no. She said the commission considers its matters based on current law but not on members' personal views.

2:42:56 PM

SENATOR SHOWER pointed out that the commission has had considerable controversy in the past few years. He asked if any issues or personality conflicts might make it tough to do the job.

MS. ERICKSON answered that it is hard living in a village. She commended the current members, stating the members use their common sense and work well together. She acknowledged that it has been rocky but she enjoys the current commission membership even though the work is time consuming. She said she does not foresee any issues.

SENATOR SHOWER asked if she is aware of any undisclosed issues that could damage the perceptions of the appointees, such as "skeletons in the closet."

MS. ERICKSON answered no, absolutely not. She commended the member's character traits and said she was not aware of any issues with the commission members. She said she is proud of the decisions the commission has made.

2:47:09 PM

CHAIR REINBOLD recalled a recent case in her district related to free speech. She mentioned that several Alaska Supreme Court cases have addressed parental rights and gender issues and it is important to consider all of the cases and laws. She expressed concern about how difficult it is during COVID-19 for people to get counseling. She thanked her for her work with youth on suicide prevention. She asked if she had seen an increase [in suicide] or if it has been about the same.

MS. ERICKSON answered that the problems have escalated. She said the lockdowns are hard on families in rural Alaska. She stated that her parents just flew out of Ruby. She reported that the small village of 100 has over 25 cases. Many kids are suffering from domestic violence and increased stress. She contacts kids via social media to talk them through suicidal thoughts and issues at home. She acknowledged it has been difficult.

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CHAIR REINBOLD turned to the next confirmation hearing, for Kristie Babcock, appointee to the Alaska Judicial Council.

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KRISTIE BABCOCK, Appointee, Alaska Judicial Council, Soldotna, Alaska, said she was appointed to the AJC beginning on March 1, 2021. She provided a brief biographical background. She was born in Zambia, Africa. She has lived in Alaska since she was a baby. She said she graduated from East High and Willamette University. After graduating from college, she served as a legislative aide in 1990. She worked as director of Boards and Commissions for Governors Hickel and Murkowski. She has lived in several Alaska communities on the road system and has worked for State Farm Insurance for 25 years. She said she has lived in Soldotna since 1999. She has served on the Boys and Girls Club board. She said she is proud of her reputation as a businesswoman.

She expressed her interest in serving on the Alaska Judicial Council because it is important to have a fair and orderly society. Judges must interpret and apply the law and ensure equal protection and equal justice under the law. These judges must be impartial and ensure that trials are conducted fairly. She has studied the transcripts of the Alaska Constitutional Convention. The founders intended for public members to serve on the council and assist in bringing forward qualified names. She said she believes she has the temperament, knowledge and communication skills to work on the council. The council also makes recommendations on retaining judges and improving this system. She can evaluate information, make determinations fairly, and work with others, which she regularly does. She said she is committed to serve on the council in a way that honors the constitutional role of the council and she recognizes the important consequences of the recommendations.

[2:56:17 PM](#)

CHAIR REINBOLD remarked that she attended East High in Anchorage at the same time as Ms. Babcock.

[2:56:42 PM](#)

SENATOR KIEHL asked what opportunities the council has to improve judicial screening of applicants it recommends to the governor.

MS. BABCOCK answered that her position would start on March 1, 2021, but she will go in with an open mind. She said she would not evaluate the screening process until she began serving on the council.

[2:57:39 PM](#)

SENATOR KIEHL raised a constitutional issue. He said it is not allowable to forward another appointee from the Third Judicial

District to serve on the AJC. He said the Alaska Constitution requires that appointments be made with due consideration to area representation. He expressed concern that the past appointments will leave vast swatches of Alaska without any representation on the Alaska Judicial Council. He characterized it as a serious constitutional issue. However, it does not have anything to do with Ms. Babcock.

2:58:35 PM

CHAIR REINBOLD remarked that Eagle River might not be represented either. She agreed that regional representation is important.

2:59:04 PM

SENATOR SHOWER asked if she knew of any undisclosed issues that could damage the perceptions of her, such as misdemeanors or other "skeletons in the closet."

MS. BABCOCK answered no.

3:00:14 PM

At ease

3:01:01 PM

CHAIR REINBOLD reconvened the meeting. She turned to the next confirmation hearing, for Elizabeth Engle, appointee to the State Commission on Human Rights.

3:01:40 PM

ELIZABETH ENGLE, Appointee, State Commission on Human Rights, Fairbanks, Alaska, said she was born in the Philippines and holds two engineering degrees. She moved to the US in 1967. In 1969, she moved to Fairbanks. She retired from the Department of Transportation and Public Facilities (DOTPF) in 1999. She also worked for Alyeska Pipeline Company. She listed numerous awards she has received, including being recognized as a Women of Distinction in 2017. Since she has had background checks, she does not have any "skeletons in her closet."

She has served on the State Commission for Human Rights since March 2019. She said she brings management skills and common sense to the commission. She finds her service as a means to give back to her community.

3:06:52 PM

SENATOR KIEHL said the US Supreme Court (SCOTUS) ruled in Bostock v. Clayton County that discrimination based on sexual

orientation or gender identity is discrimination based on sex. He asked if she had any trouble understanding Alaska law in how SCOTUS interpreted it.

MS. ENGLE said no, she does not. She said that the current commission is a great group and the commission has just selected a competent executive director. She expressed one goal is to improve the staff working environment. She expressed concern about the acoustics and other issues in the current office space in Anchorage that the commission shares with the Department of Corrections (DOC) office, Division of Parole. She expressed concern that conversations the commission holds might be overheard. She worked with the executive director to report the deficiencies to the Governor's office.

[3:09:27 PM](#)

CHAIR REINBOLD opened public testimony and after first determining no one wished to testify, closed public testimony on the confirmation hearings for the three appointees.

CHAIR REINBOLD held over the confirmation hearings to address a technical issue that Senator Hughes raised.

DISASTER DECLARATION EXTENSIONS RELATING TO COVID

[3:10:24 PM](#)

CHAIR REINBOLD reverted back to consideration of DISASTER DECLARATION EXTENSIONS RELATING TO COVID. She indicated that she had several testifiers online to speak to the disaster declaration.

[3:11:06 PM](#)

STEWART THOMPSON, representing himself, Wasilla, Alaska, said he recommends extending the disaster declaration for another 30 days provided that the governor takes actions to prevent federal government overreach, provide recommendations for the prevention of harmful consequences for COVID-19 and call the legislature into session to pass legislation to effectively handle COVID-19. He expressed concern about how the pandemic has been handled, including officials requiring lockdowns without a scientific basis.

[3:14:19 PM](#)

THOMAS HENNESSY, Doctor; Infectious Disease Epidemiologist, University of Anchorage, Anchorage, Alaska, expressed support for extending the emergency disaster declaration to allow the flexibility needed to contain this pandemic. The state needs to

administer testing and vaccination clinics in non-traditional locations, quickly recruit health professionals from other states, and rapidly develop contracts and procedures required to meet medical supply needs and allocate scarce resources such as vaccines and therapeutics. He commended the Department of Health and Social Services (DHSS), which has done an outstanding job responding to the pandemic. Alaska has benefitted from it with the lowest death rates in the US, and high degrees of testing and low hospitalization. Commissioner Crum provided information to Alaskans about the rationale behind the department's position. He suggested the legislature should give the governor the necessary tools to protect Alaskans until everyone can get vaccinated.

CHAIR REINBOLD asked if he developed models for the governor.

DR. HENNESSY answered that he coauthored a paper last March 25, 2020. He presented it to the Anchorage Assembly and Municipality of Anchorage. It evaluated two mathematical models and their relevance for Alaska.

3:17:02 PM

[LINDA SMITH], representing herself, Sitka, Alaska, (did not identify herself for the record). The person speaking expressed concern about the impacts of COVID-19. She stated her concern that doctors may have altered the virus with a protein, so it is more potent. She suggested that Dr. Lee Merritt said some drugs effectively defuse it, such as hydroxychloroquine, which should be made available.

3:23:09 PM

There being no further business to come before the committee, Chair Reinbold adjourned the Senate Judiciary Standing Committee meeting at 3:23 p.m.